

BY-LAWS

OF THE

BOARD OF MANAGERS

OF THE

SUNBURY & ERIE RAIL ROAD COMPANY,

TOGETHER WITH THE

CHARTER AND ITS SUPPLEMENTS.

PHILADELPHIA:

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OFFICERS.

President.

DANIEL L. MILLER, JR.

Secretary and Treasurer.

CRAIG BIDDLE.

Managers.

FRANCIS N. BUCK,	of Philadelphia.
WILLIAM D. KELLY,	“
JOSEPH T. BAILEY,	“
SAMUEL J. REEVES,	“
PHILIP M. PRICE,	“
ABRAHAM UPDEGRAFF,	of Lycoming County.
JAMES L. GILLIS,	Elk “
ROBERT L. FLEMING,	Clinton “
WILLIAM A. IRVINE,	Warren “
CHARLES M. REED,	Erie “
JOHN GALBRAITH,	“ “
JAMES MILES,	“ “

Chief Engineer.

EDWARD MILLER.

Division Engineers.

T. HASKINS DUPUY, ... Eastern.

..... Central.

..... Western.

BY-LAWS
OF THE
BOARD OF MANAGERS.
OF THE
SUNBURY AND ERIE RAILROAD COMPANY.

SECTION I.

The Stated Meetings of the Board of Managers shall be held ^{Meetings of Board.} on the third Saturday of each month, at such time and place as they may from time to time designate. *Special Meetings* may be called at any time by the President, when he may think necessary, and it shall be his duty to call such meetings at the written request of any two members of the Board.

SECTION II.

The President shall preside at all meetings of the Board, pre-^{Duties of President.}serve order, and regulate debate, according to the usual Parliamentary rules, and appoint all Committees not otherwise ordered by the Board. He shall have the custody of the seal of the Company, and attend generally to its executive business under the direction of the Board, and be ex-officio a member of all Committees.

All letters, reports, or other papers, relating to the business of the Company, received by the Secretary, Treasurer and Chief Engineer, shall be submitted to the President, and when practicable all instructions emanating from these officers shall be first approved by him or by the Board of Managers.

SECTION III.

The Secretary shall keep a regular record of the proceedings of ^{Duties of Secretary.} the Board, give notice to the members of all stated or special meetings, attend the meetings of all standing or special committees when required, and attend to such other proper duties as the

President or Board of Managers may require, and give the notice required by law of the Annual and Special Meetings of the Stockholders.

SECTION IV.

Duties of
Treasurer.

The Treasurer shall give bonds, with one or more satisfactory sureties, in such sum as the Board may from time to time require, for the faithful performance of all his duties, as set forth in the Act of Incorporation. He shall keep a regular set of books, containing the accounts of the Company, and all the funds that may pass through his hands, and keep a separate account as Treasurer in such bank or banks as the Board of Managers may from time to time designate. He shall make detailed reports of his receipts and disbursements at each stated meeting of the Board, and at the stated meeting in January of each year shall present a complete statement of his accounts for the year ending on the 31st day of December previous, and shall attend to such other proper duties as the Board may from time to time require. His books shall at all times be open to the inspection of the President or any member of the Board. All payments shall be made by orders drawn upon the Treasurer, as directed by the Act of Incorporation, and all checks shall be signed by the Treasurer and counter-signed by the President.

SECTION V.

Certificates of
Stock.

Certificates of Stock shall be issued to the Stockholders, and transfers made when required, said certificates to be signed by the President and counter-signed by the Treasurer, and authenticated by the seal of the Company. The certificates surrendered shall be cancelled by the President or Treasurer, at the time of transfer, and examined and reported upon monthly by the committee on accounts.

When lost.

Any person or persons, or corporation, claiming a certificate or evidence of stock to be issued, in lieu of one lost or destroyed, shall make an affidavit or affirmation of the fact, and advertise the same in one or more newspapers in Philadelphia twice a week for four weeks, describing the certificate, and shall transmit to the office of the Company the affidavit or affirmation, with the advertisement, and shall give the Board a bond of indemnity, with one or more securities if required; in double the sum of money paid on such certificate to be renewed, against any damage that may arise from the issuing of a new certificate. Whereupon the President and

Treasurer may, one month after the last advertisement, issue a new certificate of the same tenor with the one alleged to be lost or destroyed, therein specifying that it is in lieu thereof.

SECTION VI.

The Standing Committees, to be appointed annually at the first ^{Standing Committees.} stated meeting of the Board, shall be a Committee on Finance, to consist of three members, a Committee on Accounts, to consist of three members, and a Committee on the Road, to consist of four members besides the President.

The Committee on Finance shall have a general supervision of ^{Finance.} the finances of the Company, shall keep in a book a regular record of their transactions, and report their proceedings to the Board at each stated meeting.

It shall be the duty of the Committee on Accounts to examine ^{Accounts.} and audit all bills before they are presented to the Board for payment, and to have a general supervision of the accounts of the Treasurer.

The Committee on the Road, of which the President shall be ^{On the Road.} Chairman, shall have a general oversight of the location of the Road, damages to be awarded, contracts, the appointment and dismissal of subordinates, and every thing having reference to the construction of the work, and report their proceedings monthly to the Board.

SECTION VII.

All elections shall be by ballot, unless by unanimous consent, ^{Elections.} when the vote may be taken *viva voce*.

No member of the Board, or any officer or agent by them em- ^{Contracts.} ployed, shall be directly or indirectly concerned in any contract, arrangement or engagement, for doing any work or furnishing any materials for the road or any part thereof.

SECTION VIII.—*Engineer Corps.*

1. There shall be a Chief Engineer, who shall have the direction of the department, be in communication with the Board of Managers, and be responsible for the whole work.
2. Two or more Division Engineers, to be appointed by the Board in conjunction with the Chief Engineer, to be intrusted with the location and construction of such divisions of the road as shall be assigned them.

3. The Subordinate Engineers and Assistants shall be appointed by the Chief Engineer, in conjunction with the respective Division Engineers.
4. All questions touching location, construction or character of the work, shall be determined by the Chief Engineer, subject to the approval of the Board.
5. Written reports upon the progress of the work, and upon all points of location, or construction, shall be made by the Division Engineers to the Engineer in Chief, who shall report to the Board for information or approval as the case may require. Such reports to be accompanied by proper drawings, maps or profiles.
6. The power of dismissing subordinate members of the corps shall be vested in the Chief Engineer, or in the Division Engineer in whose division the dismissal may be required, in the Board, and in the Committee on the Road. The cause of dismissal, in all cases, to be forthwith reported to the Board of Managers.
7. The compensation allowed to the Engineers and Assistants shall be in full for services and expenses.

SECTION IX.

The Order of Business shall be as follows :

1. When a quorum appears, the President shall call the Board to order.
2. The minutes shall be read, and amended if necessary.
3. Written communications read and disposed of.
4. Reports of Committees.
5. Reports of Engineers and Superintendents.
6. Treasurer's Report.
7. Unfinished business.
8. New business.

SECTION X.

No alteration or amendment shall be made in these By-Laws, unless presented at a stated meeting, and considered at a subsequent stated meeting, but any By-law may be suspended by the consent of not less than two-thirds of the members present.

AN ACT
TO INCORPORATE THE
SUNBURY AND ERIE
AND
PITTSBURG AND SUSQUEHANNA
RAIL ROAD COMPANIES.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,*
That John Naglee, Robert Patterson, Benjamin W. Richards, George Handy, Simon Gratz, William T. Smith, Cheyney Hickman, Charles Macalister, William B. Reed, John White, Robert A. Parrish, William Buehler, Thomas Astley, Gerard Ralston, Jacob Lex, Algernon S. Roberts, Samuel F. Reed, Lewis Ryan, J. Washington Tyson, James Campbell, Thomas P. Cope, Job R. Tyson, James F. Macaulay, Charles D. Lybrand, William A. Crabb, Alexander L. Hodgson, John J. Krider, Charles Hinckle, Jacob Mintzer, David Jeffries, Lewis Shinnick, John Grim, Christian Read, E. D. Martin, John Miller, Thomas Earle, Robert Doran, Peter Baker, John C. Smith, A. Fougerey, Richard Tichener, Jacob Hentz, John Hentz, Samuel Heintzleman, Edmond B. Mixsell, William A. Irvine, Godfrey Bender, Samuel Butcher, (Mason,) Thomas F. Ashton, Joseph Rheiner, John Bender, Philip Miller, senr., George W. Riter, Henry Leech, John Miller, (Cooper,) Commissioners.

William Heckman, Francis J. Harper, Joseph Lake, Anthony Felton, Daniel Bender, John Rheiner, Jr., D. F. Condie, L. Paynter, S. N. Marsellis, Isaac Oakford, Benjamin Martin, Joseph Dimond, G. W. Chambers, John M. Buchius, John Stalman, Jacob Haas, William H. Stokes, Windham H. Stokes, William Anslee, Josiah Wood, Henry Shitzline, John Foulkrod, Alexander Major, Henry Troth, of the city of Philadelphia, R. S. Reed, P. S. V. Hamot, John A. Tracy, Daniel Dobbins, Josiah Kellog, Edwin J. Kelso, William Fleming, Isaac G. Williams, John H. Walker, Joseph S. Colt, Thomas H. Sill, Giles Sandford, William Kelly of Erie, Joseph B. Anthony, William F. Packer, Dr. W. R. Power, Henry Hughes, Dr. Arthur Davidson, John H. Cowden, William Wilson, Tunison Coryell, Nicholas Funston, William A. Petrikin, Joshua Bowman, Peter Shoemaker, Isaac Brunner, James Wilson, James Gamble, Alexander Hamilton, William Johnson, Junior, Robert Carson, Benjamin Hays, of Lycoming, Robert Falconer, Josiah Hall, Stephen Littlefield, Obed Edson, Thomas Struthers, Archibald Tanner, N. B. Eldred, G. C. Irwin, G. A. Irvine, F. W. Brigham, of Warren county, Solomon Sartwell, H. Payne, John King, Jonathan Colegrove, Asa Sartwell, Orlo J. Hamlin, of McKean, Henry Shippen, David Dick, Stephen Barlow, Andrew Smith, Joseph Douglass, J. Stewart Riddle, David McFaddin, of Meadville, Rowletten Power, Alexander McCalmont, James Kinnear, John Evans, James Thompson, Joseph M. Fox, Christian Myers, David Phipp, Myran Parks, William Raymond, Arnold Plumer, Andrew Bowman, John W. Hawe, of Venango county, Thomas D. Grover, Henry Leech, Thomas Sparks, James Ronaldson, Walter Thompson, Robert K. Scott, Charles Brower, Rees W. Flower, John Wister, Jr., Dr. George Thomas, William B. Fling, of Philadelphia, Benjamin B. Smith, Robert G. White, Joseph W. Guernsey, Josiah Emery, Samuel Dickinson, Samuel W. Morris, of Tioga county, Abbot Green, Alexander Graham, Samuel Reber, William Hays, James Geddis, John Rank, Ner Middleswarth, James Merrill, John Lashells, John Baskin, John Ray, Samuel Henderson, C. M. Straub, Samuel Barber, William Foster, John Cummings, Jr., James Moore, of Union county, Henry Reader, David Watson, Montgomery Sweney, R. H. Hammond, Samuel Hepburn, Henry Frick, James Hepburn, Joseph R. Priestly, Hugh Bellas, C. D. Donnel, A. Jordan, E. Greenough, E. Gobin, John C. Boyd, Daniel Levy, Henry Yox-

heimer, Henry Masson, William Forsythe, James Dougal, Frederick Lazarus, of Northumberland county, Timothy Ives, John H. Rose, Charles Leyman, of Potter county, J. Noble Nesbet, William Banks, Indiana county, Dr. William Darlington, William Williamson, of Chester county, George L. Mayer, William Coleman, of Lancaster county, John Miller and William Schoener, of Berks county, Henry K. Strong, David Krause, Edmund W. Roberts, William Ayres, of Dauphin county, John Bannon, Burd Patterson and Jacob Seitzinger, of Schuylkill county, Daniel H. Boas, Jacob Sallade, William H. Miller, George D. B. Keim and Daniel Hahn, of Berks, William Donaldson, Valentine Best, Michael Fornwatt, and S. F. Headly, of Columbia county, A. Y. Bright, of Northumberland county, Josiah W. Smith, Richard Shaw, Peter Ritner, Benjamin Hartshorn, Thomas Hemphill, Robert Ross, Lewis W. Smith, John Irvin, of Clearfield county, Evan Jones, Charles F. Jenkins, Lewis Jones, Jonathan Roberts, Daniel H. Mulvany, Thomas Read, William H. Slingluff, John Lloyd, Samuel Tyson, and Charles Palmer, of Montgomery county, Charles Evaus, of the city of Philadelphia, John Findley, Benjamin Stokely, Bevan Pearson, John Hoge, William Maxwell, Samuel Thompson, William F. Clark, James Bredin, Joseph Smith, David T. Porter, Robert Stewart, Abraham Pell, Samuel Holstein, John Ferker, James McKean, Joseph T. Boyd, John Fisher, Robert W. Stuart, Ezekiel Sankey, Thomas Wilson, and Daniel Means, of Mercer, or any three of them, be, and they are hereby appointed Commissioners to do and perform the several things hereinafter mentioned, that is to say: they shall, on or before the first day of November next, procure books, one of which shall be opened at ^{To procure books.} Northumberland, Sunbury, Milton, Williamsport, Warren, Wellsborough, Clearfield, Meadville, Erie, Franklin, Harrisburg, Bellefonte, in the City of Philadelphia, in each of which they shall enter as follows: "We whose names are hereunto subscribed, do pro- ^{Form of subscription.} mise to pay to the President and Managers of the Sunbury and Erie Railroad company, the sum of one hundred dollars for every ^{Price of shares \$100 each.} share of stock set opposite our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of such company, in pursuance of an act of the General Assembly of this Commonwealth, entitled 'An act to incorporate the Sunbury and Erie, and Pittsburg and Susquehanna Railroad companies. Witness our hands, the day

of _____, one thousand eight hundred and thirty _____,”

Notice. and shall thereupon give notice, in at least one newspaper in each of the above named places, two weeks at least, of the times and places when and where the said books shall be kept open to receive subscriptions for the stock of said company, at which respective times and places, one or more of the commissioners shall attend and permit all persons of lawful age who shall offer to subscribe in the said books, in their own names, or in the name or names of any other person or persons who shall authorize the same for shares in the said stock, and the said books shall be kept open respectively for the said purpose, at least six hours in every judicial day, for the space of two days, or until there shall have been subscribed thirty thousand shares; and if at the expiration of two days, the books aforesaid shall not have the number of shares aforesaid therein subscribed, the said commissioners may adjourn from time to time, and transfer the book or books elsewhere, until the whole number of thirty thousand shares shall be subscribed, of which adjournment and transfer, the commissioners aforesaid shall give such public notice as the occasion may require, and when the whole number of shares, or more shall be subscribed, then the books shall be closed, and the stock be divided equally, if more than the whole should be taken, reducing the largest subscribers first, and so on, until the requisite number is thereby obtained; *Provided*, That no person or persons shall be permitted to subscribe more than fifty shares the first day, after which any person may subscribe for any number of shares, until the whole of the stock is taken: *And provided also*, That no subscription shall be valid, unless the person so subscribing shall pay to the said commissioners, at the time of making the same, the sum of ten dollars on each and every share for the use of the company.

Who may subscribe.

30,000 shares whole No.

When books shall be closed.

Proviso.

2d Proviso.

\$10 to be paid at time of subscribing.

Letters patent.

SECTION 2. When six thousand shares or more of the said stock shall be subscribed, and the sum of ten dollars paid on each and every share as aforesaid, the commissioners, or a majority of them, shall certify to the Governor, under oath or affirmation, the names of the subscribers, and the number of shares subscribed by each, and the sum of ten dollars on each share paid at the time of subscribing; whereupon the Governor shall, by letters patent, under his hand and the seal of the Commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then those also who shall thereafter subscribe to the whole number of

shares aforesaid, into a body corporate and politic, in deed and in law, by the name, style and title of "The Sunbury and Erie Railroad Company," and by the same name shall have perpetual suc- Style & title.
cession, with all the privileges, franchises and immunities incident to a corporation, and be able to sue and be sued, implead and be Privileges & powers.
impleaded, in all courts of record and elsewhere, and to purchase, receive, have, hold and enjoy, to them and their successors, lands, tenements and hereditaments, goods, chattels, and all estates, real, personal or mixed, of what kind or quality soever, and the same from time to time may sell, exchange, mortgage, grant, alien or otherwise dispose of, and to make dividends of such portions of the profits as they may deem proper, and also, to make and have a common seal, and the same alter or renew at pleasure, and also, to or- Seal.
dain, establish and put in execution such by-laws, ordinances and regulations, as shall appear necessary and convenient for the government of said corporation, not being contrary to the Constitution and Laws of the United States or of this Commonwealth, and generally to do all and singular, the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation, and the due management and ordering of the affairs of the same; *Provided*, That nothing herein contained shall be so Proviso.
construed as giving to the said corporation any banking, manufacturing or trading privileges, or any other liberties, privileges or franchises, but such as may be necessary or incident to the making and maintaining the said railroad, convenient construction of depots, such cars, locomotives, fixtures and devices, as may be necessary for the conveyance of passengers, and the transportation of the mail, and of goods, merchandise and commodities thereon.

SECTION 3. The said named persons, or any ten of them, shall, Organization.
as soon as conveniently may be after the said letters patent shall be obtained, give at least twenty days previous notice, in the newspapers herein before mentioned, of the time and place by them appointed for the subscribers to meet in order to organize the said company, to choose by a majority of votes of the said subscribers, by ballot, to be given in person or by proxy, which proxy shall have been obtained and bear date within three months previously to the election at which such proxy shall be presented, duly authorized, one president and twelve managers, all of whom shall be residents of this commonwealth; that the president and managers aforesaid shall conduct the business of said company until the second Monday of January then next, and until like officers shall

be chosen, and may make such by-laws, rules, orders and regulations, as are not inconsistent with the Constitution and Laws of the United States or of this State, and that may be necessary for the well governing the affairs of the said company: *Provided*, That no person but a stockholder shall be eligible to the office of president or manager.

Proviso.

Annual election.
Altered, see Act
of 27th March,
1852.

SECTION 4. [The stockholders shall meet on the second Monday of January in every year, at such places as may be fixed upon by the By-laws, of which notice shall be given at least twenty days previous, by the secretary, in the newspapers before mentioned,] and choose, by a majority of the votes present, officers for the ensuing year, as mentioned in the third section of this act, who shall continue in office for one year, and until others are chosen, and at such other time as they may be summoned by the managers, in such manner and form as shall be prescribed by the By-laws, at which annual or special meeting they shall have full power and authority to make, alter or repeal, by a majority of the votes, in the manner aforesaid, all such By-laws, Rules, Orders and Regulations, as aforesaid, and to do and perform every other corporate act; and the number of votes to which each stockholder shall be entitled, shall be according to the number of shares he

Ratio of votes.
Altered, see Act
of 27th March,
1852.

or she shall hold, [in the proportion following: for every share not exceeding two shares one vote; for every two shares, above two and not exceeding ten shares, one vote; and for every five shares above ten one vote; but no share shall confer a right of suffrage, which shall not have been holden three calendar months prior to the day of election,] nor unless it shall be holden by the person in whose name it appears, absolutely and bona fide in his own right, or in that of his wife, or for his or her sole use and benefit, or as executor or administrator, trustee or guardian, or in the right and for the use and benefit of some co-partnership, corporation or society, of which he or she may be a member, and not in trust for, or to the use and benefit of any other person: [*Provided*, That no share held by transfer shall be entitled to vote, unless the same shall have been transferred at least three months before the election,] and all votes by proxies shall be on such terms and conditions as prescribed by the act passed on the twenty-eighth day of March, one thousand eight hundred and twenty, entitled "An Act to regulate proxies."

Proviso.
Altered, by Act
of 27th March,
1852.

Proxy.

Manner of conducting the election.

SECTION 5. The election of officers provided for in the third section of this act, shall be conducted in the following manner,

that is to say : the managers for the time being shall appoint two of the stockholders, not being managers, to be judges of the said election, and to conduct the same, after having severally taken and subscribed an oath or affirmation, before an alderman or justice of the peace, well and truly, and according to law to conduct such election, to the best of their knowledge and abilities ; and the said judges shall decide upon the qualifications of voters, and when the election is closed shall count the votes, and declare who has been elected ; and if it shall at any time happen, that an election of president and managers shall not be made, the corporation shall not for that cause be dissolved, but it shall be lawful to hold and make such election of president and managers on any day thereafter, by giving at least ten days notice, signed by the president or secretary, in the newspapers before mentioned, of the time and place of holding the said election, and the president and managers of the preceding year shall in that case continue to act, and be invested with all the powers belonging to their respective situations, until an election shall take place ; in the case of the death, resignation, or removal from the State, of the president or any manager, his place may be filled by the Board of Managers, until the next annual election.

Neglect not to dissolve.

Vacancies how filled.

SECTION 6. The said president and managers shall meet at such times and places as shall be found most convenient for the transacting of their business, and when met five shall be a quorum, who, in the absence of the president, may choose a chairman, and shall keep the minutes of their transactions fairly entered into a book, and a quorum being formed, they shall be empowered and have authority to appoint a treasurer, secretary, and all such surveyors, engineers, superintendent and other artists and officers as they shall deem necessary to carry on the intended work, and to fix their salaries and wages, to ascertain the times, manner and proportions in which the said stockholders shall pay the moneys due on their respective shares, to regulate the drawing of orders on the treasurer for moneys, which shall be signed by the president, or in his absence, by a majority of the managers present, and countersigned by the secretary, and generally to do all such other acts, matters and things, as by this Act, and by the by-laws and regulations of the company, they are hereby authorized to do. [And the assignee holding any such certificate, shall be a member of the said corporation, and for every share assigned, shall be entitled to one share of the capital stock, of all the estates and emoluments

Meetings of the president & managers,

Quorum.

Minutes.

Power to appoint Secretary, Treasurer and other officers.

Orders on the Treasurer, etc.

Transferred to end of next section, see Act of 27th March, 1852.

of the company, incident to such share or shares, and to vote as aforesaid, at the meetings thereof, and subject to all penalties and forfeitures, and of being sued for the balance due, or to become due on each share, as the original subscriber would have been.]

Certificates of stock. **SECTION 7.** The said president and managers first chosen, shall procure certificates or evidences of stock, and shall deliver one or more certificates, signed by the president, and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person, for the number of shares by him or her subscribed or held, which certificate or evidence of stock, shall be assignable and transferable on the books of the corporation only in such manner as the by-laws shall ordain, and no stockholder shall be entitled, without the consent of the president and managers, to transfer any stock until all the instalments which have been called for shall be fully paid thereon.

Of transfer.

Penalty for neglect to pay instalments. **SECTION 8.** If after thirty days notice in the public papers aforesaid, of the time and place appointed for the payment of any proportion or instalment of the said capital stock, any stockholder shall neglect to pay such proportion or instalment at the place appointed, for the space of thirty days after the time so appointed, every such stockholder or his assignees, shall, in addition to the instalment so called for, pay at the rate of two per centum per month for delay of such payment, and the said president and managers may declare any stock forfeited to the use of the company, upon which any instalment shall remain unpaid for the space of six months after the time appointed for the payment thereof, and such forfeited stock may be sold and transferred by the said president and managers, for the benefit of the company, to any person or persons who will purchase the same, or in default of payment by any stockholder, of any such instalment as aforesaid, the president and managers may at their election, cause suit to be brought before an alderman or justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid: *Provided*, That no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election, or general or special meeting of the said company, on whose share or shares any instalment or arrearages may be due and payable more than thirty days previously to the election and meeting.

Forfeiture.

Or suit.

Proviso.

SECTION 9. The president and managers of the said company shall demand and require of and from the treasurer, and may de-

mand and require of and from all and every other, the officers and other persons by them employed, bonds in sufficient penalties, and with such securities as the said company shall by their rules, orders and regulations, require, for a faithful discharge of the several duties and trusts to them respectively committed. Bonds of treasurer and other officers.

SECTION 10. Dividends of so much of the profits of the institution as shall appear advisable to the managers, shall be declared at least twice a year in every year, and paid to the stockholders on demand, at any time after the expiration of ten days therefrom, but they shall in no case exceed the amount of nett profits actually acquired by the company, so that the capital stock shall never be thereby impaired; if the said managers shall make any dividend which shall impair the capital stock of said institution, the managers consenting thereto shall be liable in their individual capacities to said company, for the amount of the stock so divided, and each manager present when such dividend shall be declared, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the Board, and give public notice thereof to the stockholders at the declaring such dividend. Dividends.

SECTION 11. The president and managers of the said railroad company shall have power to survey, lay down, ascertain, mark and fix such route or routes as they shall deem expedient for a railroad, with as many sets of tracks as they may deem necessary, from Sunbury, by the way of Northumberland and Williamsport, by the most eligible route to the harbour of Erie, having due regard to the situation or nature of the ground, and of the buildings thereon, the public convenience and the interest of the stockholders, and so as to do the least damage to private property, and the said railroad shall not pass through any burying ground or place of public worship, [nor any dwelling house, without the consent of the owners thereof, nor shall it pass through any out-building of the value of three hundred dollars, without such consent; and the said president and managers shall, within six months after ascertaining the route of the said railroad, cause an accurate survey of the lines of said railroad to be made, a map or plot of which survey they shall cause to be filed in the Secretary's office of this State, which map or plot, or a certified copy thereof, shall be sufficient evidence of the course of said road, which may then be opened, and all the expenses incurred thereby shall be defrayed by said company;] the president and managers of the said company shall have power to survey, lay down, Location of road. Termination. Repealed, see Act of 27th March, 1852. Branch routes may be fixed.

ascertain, mark and fix such route or routes as they shall deem expedient for a railroad, with as many sets of tracks as they may deem necessary, from a point in said road from Sunbury to Erie, by way of Warren, Franklin, Mercer and New Castle, to Beaver, or to connect with the Beaver and Conneaut railroad, at some point in Mercer county.

Right of entry
upon lands.

SECTION 12. That it shall be lawful for the said company and their agents, to enter upon any lands for the purpose of exploring, surveying and locating the route of the said railroad, doing thereto no unnecessary damage; and when any part of the said route shall be determined by the said company, it shall be lawful for the said company, their agents or contractors, to enter upon, take possession of, and use such land; and also to take from any land in the neighborhood, gravel, stone, wood, or other materials, for the purpose of constructing and maintaining such railroad, subject however to such compensation as said company may have agreed to pay therefor, or shall be ascertained, in manner hereinafter directed.

Mode of ascer-
taining damages.

SECTION 13. [That when the said company cannot agree with the owner or owners of such required land, for the purchase thereof, or for the damages sustained by such owner or owners, or as to the compensation to be paid to the owner or owners of any materials taken as aforesaid, or where, by reason of legal incapacity, or absence of any such owner or owners, no such agreement or purchase can be made, the court of Common Pleas of the proper county, on application thereto by or on behalf of either party, and at the costs and charges of the said company, shall nominate and appoint twelve disinterested persons of the said county, and shall issue a precept to the Sheriff of the said county, to summon the said twelve persons to meet on the land so required or taken, or from whence the said materials shall or may be taken, at a day to be expressed in the warrant, not less than ten nor more than twenty days after the date of the precept, and the Sheriff, upon receiving the said warrant, shall forthwith summon the said persons and give at least eight days notice to the parties, and the said Sheriff shall attend at the time and place of meeting, and administer to each of the said jurors who shall attend on the case of land so required, an oath or affirmation, that he will faithfully and impartially value the land occupied or required for said railroad, or other works, and all damages which the owner or owners

Altered: see Sec.
4 of Act of 27th
March, 1852.

shall sustain, or may have sustained by reason of the construction of the said railroad, or other works, taking into consideration the advantages, as well as the disadvantages of the same to the said owners, according to the best of his skill and judgment, and the same in the case of materials taken, and the said persons, or any nine of them, shall thereupon proceed to view the premises, and hear the evidence; and their award, signed by the Sheriff and a majority of the jurors actually viewing the premises, shall be returned by the said Sheriff within five days thereafter, to the prothonotary, to be filed of record, and the said Sheriff and jurors shall be allowed the like compensation as are allowed on the execution of an order to value real estate, in the Orphan's court, under the intestate laws of the State, and either party may, within twenty days, file exceptions to the said award, which exceptions shall be heard and decided by the court of Common Pleas, who may either affirm or set aside the same, and if no exceptions be filed, or the verdict be affirmed after exceptions, it shall have the effect of a judgment against the party, and if it be set aside, a new precept shall issue, as hercin before provided for: *Provided*, That in the subsequent proceedings, if the party excepting does not recover a verdict more favorable than the verdict so excepted to and set aside, such party shall pay all the costs of said proceedings.]

SECTION 14. The said railroad shall be so constructed as not to impede or obstruct the free use and passage of any public road or roads which may cross or enter the same; in all cases where the said railroad may cross, or in any manner interfere with any existing public road, canal, or slack water navigation, the said company shall make, or cause to be made, as soon as conveniently may be, a good and sufficient causeway or causeways, bridge or bridges, to enable all persons passing or travelling such public road, canals, or slack water navigation, to cross and pass said railroad, which bridge, or causeway or causeways, shall be made and maintained by said company, and the sufficiency of the same shall be judged by the supervisor or supervisors of the proper township; and if the company shall neglect or refuse to keep such causeway or causeways in good repair, they shall be liable to a penalty of ten dollars, for every day the same shall be so neglected or refused to be repaired, to be recovered by the supervisors of the township, with costs, for the use of the township, as debts of the like amount

The said railroad shall be so constructed as not to obstruct public roads.

Public causeways, or causeway bridges.

Penalty for neglecting causeways.

are by law recoverable and shall moreover be liable to all actions, at the suit of any person who may be aggrieved thereby.

Private cause-ways.

Penalty for neglecting causeways.

Proviso:

2d Proviso.

Owners of land adjacent to road, may make lateral roads to connect with it.

SECTION 15. For the accommodation of all persons owning or possessing land through which the said railroad may pass, it shall be the duty of the said company to make, or cause to be made, a good and sufficient causeway or causeways, whenever the same may be necessary, to enable the occupant or occupants of said lands to cross or pass over the same with wagons, carts, and implements of husbandry, as occasion may require, and the said causeway or causeways, when so made, shall be maintained and kept in good repair by said company; and if the said company shall neglect, or refuse, on request, to make such causeway or causeways, or when made to keep the same in good order, the said company shall be liable to pay any person aggrieved thereby, all damages sustained by such person in consequence of such neglect or refusal, to be sued for and recovered, before any magistrate or court having cognizance thereof: *Provided*, That the said company shall in no case be required to make, or cause to be made, more than one causeway through each plantation or lot of land, for the accommodation of any one person owning or possessing land through which the said railroad may pass; and in the event of any private bridge or causeway being converted to public use, so as to be made to accommodate a public road, laid out subsequent to the passage of this act, then and in such case, the company shall be forever thereafter exonerated from the duty of keeping the said bridge or causeway in repair: *Provided further*, That this act shall not be so construed as to prevent the owners of land through whose property the said railroad passes, from constructing a bridge, causeway, or crossing place, over or under the said railroad, in conformity with such as are usually made by said company.

SECTION 16. The company shall not prevent any person or persons, being the owner or owners of land bordering on the said railroad, or adjacent thereto, from making such lateral railroads, and to connect them with the said railroad, from their said lands, as the said person or persons may conceive necessary for the purpose of transporting merchandize, stone, timber, produce or coal, upon the said railroad.

SECTION 17. No suit or action shall be brought or prosecuted by any person or persons, for any penalties incurred under this

act, unless such suit or action shall be commenced within one year Suits, when to be commenced. next after the offence shall have been committed, or the cause of action shall have accrued, and the defendant or defendants in such suit or action may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act.

SECTION 18. That in all suits or actions brought against the said company, the service or process on any manager, toll-gatherer, Service of process. or other officer of the company, shall be as good and as available See Sec. 6 of Act of March 27th, 1852. in law as if made on the president thereof.

SECTION 19. If any person or persons shall wilfully and knowingly break, injure, or destroy the railroad hereby authorized, or any part thereof, or any work, edifice or device, or any part thereof, to be erected by the said company in pursuance of this act, he, Penalty for injuring the railroad. she, or they, shall forfeit and pay to the said company, three times the actual damages so sustained, to be sued for and recovered, with full costs, before any tribunal having cognizance thereof, by action, in the name and for the use of the said company, and shall be subject to indictment in any court of Quarter Sessions of the proper county, and upon conviction of such offence, shall be punished by fine and imprisonment, at the discretion of the court.

SECTION 20. If any person or persons shall wilfully or maliciously remove or destroy any of the company's constructions, or designedly, and with evil intent, place or put any obstruction on the line of the railroad, so as to jeopard the safety, and endanger Penalty for destroying the company's constructions, or obstructing the road. the lives of persons travelling on the same, such person or persons so offending, shall be deemed guilty of a misdemeanor, and shall be adjudged on conviction to be punished by fine and imprisonment, at the discretion of the court: *Provided*, That nothing Proviso. herein contained shall prevent the company from pursuing any other appropriate remedy at law in such cases.

SECTION 21. [On the completion of any part of the said road, or any portion of one track, not less than ten miles, it shall and may be lawful for the president and managers, from time to time, Repealed. See Act of March 15, 1847. to ordain and establish rules and regulations for the due ordering of all travelling and transportation on said road, and such portions thereof as are completed, being not less than ten miles, and for its preservation, with power to alter, repeal, enlarge or amend the said rules and regulations, as they deem expedient, and that they

shall have full power and authority to prescribe the kinds and descriptions of cars, carriages or wagons, to be used on the said road, for the conveyance of passengers, and the transportation of the mails, or of goods, wares, merchandize and minerals, and to regulate the speed at which they shall travel, and to adopt and enforce such rules and regulations in relation to the transit thereof, as they may deem expedient:] *Provided*, That the toll on any species of property shall not exceed an average of four cents per ton per mile, nor upon each passenger an average of two cents per mile, and the legislature reserves the right to reduce and regulate the toll hereby authorized.

Proviso.

Tolls.

SECTION 22. If any owner or driver of any car, carriage, or other conveyance, upon the said railroad, shall pass by any place appointed for receiving tolls, without making payment thereof, with intent to defraud the said company, he, she, or they so offending, shall forfeit and pay for every such offence, for the use of said company, the sum of twenty dollars, to be sued for and recovered by action of debt, before any justice of the peace, in like manner, and subject to the same rules and regulations as debts under one hundred dollars may be sued for and recovered, together with the cost of suit.

Statement of accounts to be made at the annual meetings.

Special meetings.

SECTION 23. At each annual meeting of the stockholders the president and managers of the preceding year shall exhibit to them a complete statement of the affairs and proceedings of the company for such year; and special meetings of the stockholders may be called by order of the president and managers, or by the president, at the request of the stockholders holding one-fourth of the amount of the capital stock, in like notice as that required for annual meetings, specifying moreover, the object of the meeting: but no business shall be transacted at such meetings except that for which it shall have been called, nor unless a majority in value of the stockholders shall attend, in person or by proxy.

The capital stock may be increased to \$6,000,000.

SECTION 24. If any increase of the capital stock shall be deemed necessary to improve or complete the said railroad, or any of its branches, it may be lawful for the said president, managers and company, at a stated or special meeting, convened for the purpose, to increase the number of shares, so that the capital of the said company shall not exceed six millions of dollars, and to receive and demand the moneys for shares so subscribed, in like manner, and under like penalties as are herein before provided for

the original subscription, or as shall be provided for by their by-laws.

SECTION 25. At the end of the third year after the charter shall be obtained, and at the end of every year thereafter, there shall be furnished to the legislature an abstract of the accounts of the company, showing the amount of capital paid in, and the debts of the said company, the amounts received for tolls and transportation, the rates charged, and the amount of dividends declared, which abstract shall be verified by the oath or affirmation of the president or treasurer of said company: *Provided*, That the company shall pay into the treasury of the commonwealth, a tax of eight per centum per annum, on all dividends over eight per cent. on the capital stock paid in.

Abstract of accounts to be furnished to the legislature.

Proviso.

SECTION 26. Inasmuch as it is of essential importance to ensure a full subscription to this railroad, with which so many already chartered will be connected, the president and managers are hereby authorized to receive and hold, for the benefit of the subscribers, such donations and subscriptions of lands along and immediately adjoining the said railroad and its branches, as may tend to ensure its speedy commencement and completion.

Donations and subscriptions of lands.

SECTION 27. If the said company shall at any time misuse or abuse any of the privileges herein granted, the legislature may resume, all and singular, the rights and privileges hereby granted to the said corporation.

Legislature may resume privileges.

SECTION 28. The Legislature hereby reserve the right to purchase the railroad by this act authorized to be constructed, with its appurtenances, at any time after the expiration of fifty years from the passage of this act, by paying to the said company a sum of money which, with the tolls received, shall equal the cost and expenses of making and maintaining the said railroad, with an interest of six per cent. per annum thereon.

The legislature may purchase the railroad.

Altered, see act of 27th March, 1852.

SECTION 29. That Benjamin Darlington, William Bell, James Thompson, N. B. Craig, James S. Craft, John Lyon, Peter Shoenberger, George Miltenberger, W. W. Irvin, W. W. Fetterman, George A. Bayard, James Ross, jr., Francis Karns, William Little, Hugh Davis, Henry Brackenridge, John Tasse, George Breed, Benjamin Weaver, Benjamin Fahnestock, James Speer, Pollard McCormick, Robert Greer, James R. Butler, Samuel Stackhouse, James Wood, James P. Stewart, M. B. Miltenberger, Samuel Fahnestock, Thomas Williams, J. R. McClintock, of the county of Alleghany, R. B. McCabe, J. Noble Nisbet, Stewart

Commissioners of the Pittsburgh and Susquehanna Railroad company.

Steele, Thomas Boyle, Samuel Morehead, Joseph Laughry of W., Samuel Templeton, John White, William Banks, Thomas White, James M. Stewart, Peter Diltz, Alen N. Work, Henry Kintner, James McComb, Daniel Stanard, Ephraim Carpenter, William Houston, of Indiana county, Hugh McClelland, Arnold Plumer, John Evans, James Kinnear, George Brigham, Edward Pierce, James R. Snowden, of Venango county, J. Hall, Thomas Struthers, L. Wetmore, Archibald Tanner, G. A. Irvine, of Warren county, be, and they are hereby appointed commissioners, with similar powers to those contained in the first section of this act, (the notices to be published in such newspapers as they shall deem most advisable,) and after they shall have procured subscriptions of stock to the amount of two thousand shares, they shall certify the same to the Governor, whose duty it shall be to issue his letters patent, incorporating the said stockholders, their successors and assigns, into a body corporate and politic, in deed and in law, by the name and style of "The Pittsburg and Susquehanna Railroad Company," and by the same name shall have perpetual succession, with all the privileges, franchises and immunities, and subject to all the restrictions, liabilities and penalties, as by the several sections of this act are provided for and imposed upon the Sunbury and Erie Railroad Company.

Company incorporated.

Name and style.

Privileges and liabilities.

Location of the railroad.

Commencement.

Termination.

Location not to interfere with the works contemplated by the State.

SECTION 30. The president and managers of the said Pittsburg and Susquehanna Railroad Company, shall have the power to survey, lay down, ascertain and mark such route or routes as they may deem expedient for a railroad, with as many sets of tracks as they may deem necessary, from the said City of Pittsburg, along the waters of the river Alleghany, and thence by the nearest, best and most practicable route, so as to intersect the said Sunbury and Erie Railroad, at any point they may think most advisable, either on the waters of the Alleghany, or the West Branch of the Susquehanna, or at any other intermediate point.

SECTION 31. In order that the location of said railroads may not interfere with the construction by the commonwealth, of a contemplated canal, from the present termination of the West Branch division of the Pennsylvania canal to the Alleghany river, explored by Mr. Ayerigg, the proposed location of said railroads, so far as the same might interfere with the construction of said canal, shall be submitted to the Canal Commissioners, and the said railroads shall be located in such manner, as in the opinion of the said commissioners, will not occupy nor obstruct the ground necessary for

such canal: *Provided*, That where the said railroads shall approach or cross any canal or slack water navigation constructed by the commonwealth, the location of the same, and the height of the bridges, shall be approved of by the Canal Commissioners, before actual operation shall be commenced. Proviso.

SECTION 32. The said Sunbury and Erie Railroad Company shall commence the construction of said railroad previous to the first day of June, eighteen hundred and thirty-eight, and complete at least two hundred miles thereof within seven years, and the whole thereof within nine years next succeeding said first day of June; in default whereof, all the rights and privileges by this act to them granted shall cease, and their charter become void, except so far as it compels said company to make reparation for damages. Time of commencement and completion.
When charter shall become void.

SECTION 33. That the second proviso in the first section of the act entitled "An Act to authorize the Governor to incorporate a company to make a lock navigation on the East Branch of the river Schuylkill," passed the twentieth day of February, Anno Domini, eighteen hundred and twenty-six, be, and the same is hereby repealed. Lock Nav. on the E. Branch of Schuylkill.
Proviso repealed.

LEWIS DEWART,
Speaker of the House of Representatives.

J. R. BURDEN,
Speaker of the Senate.

APPROVED, the third day of April, Anno Domini, one thousand eight hundred and thirty-seven.

JOS. RITNER.

A FURTHER SUPPLEMENT

TO AN ACT ENTITLED "AN ACT TO INCORPORATE THE SUNBURY AND ERIE, AND PITTSBURG AND SUSQUEHANNA RAILROAD COMPANY."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the time for commencing the construction of the Sunbury and Erie Railroad shall be, and is hereby extended until the first day of June, eighteen hundred and fifty one; and that at least two

hundred miles of said road shall be completed in seven years thereafter, and the whole thereof in nine years next succeeding the said first day of June, eighteen hundred and fifty one, any thing in the several acts of the General Assembly of the Commonwealth, to which this is a further Supplement, to the contrary notwithstanding: and that the said company shall, and are hereby authorized to locate and construct the said road along either side of the Susquehanna river, Sinnemahoning, and on the unfinished line of the West Branch canal, west of Farrandsville, that may be deemed the most practicable.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

DANIEL L. SHERWOOD,

Speaker of the Senate.

Approved the twelfth day of February, one thousand eight hundred and forty-six.

FRANCIS R. SHUNK.

A FURTHER SUPPLEMENT

AN ACT TO INCORPORATE THE SUNBURY AND ERIE, AND PITTSBURG AND SUSQUEHANNA RAILROAD COMPANY.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That an election for President and Managers of the Sunbury and Erie, and Pittsburg and Susquehanna Railroad company, to serve during the year next succeeding the time of said election, be held on due public notice according to the terms of the act incorporating said company; and that said notice shall be as effectual for the purpose of said election if signed by any three stockholders, as if signed by the President and Secretary of the said company, any thing in the act incorporating said company to the contrary notwithstanding.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

DANIEL L. SHERWOOD,

Speaker of the Senate.

Approved the fourteenth day of March, one thousand eight hundred and forty-six.

FRANCIS R. SHUNK.

A FURTHER SUPPLEMENT

TO AN ACT ENTITLED "AN ACT TO INCORPORATE THE SUNBURY AND ERIE AND PITTSBURGH AND SUSQUEHANNA RAILROAD COMPANIES," PASSED THE THIRD DAY OF APRIL, ONE THOUSAND EIGHT HUNDRED AND THIRTY-SEVEN.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* ^{Power to purchase and place locomotives, &c. on the road.} That the Directors of said Companies shall have full power and authority to purchase and place on the said railroads, all locomotives, machines, vehicles, carriages, and teams of any kind whatsoever which they may deem proper and necessary for the purposes of transportation, and have full power to transport passengers, goods, minerals, merchandise and other articles, and to receive and collect freight and tolls therefor: *Provided,* ^{Proviso.} That if the said engines or other vehicles be so used as to render unsafe travelling on any canal or public road now laid out, the legislature may enact such regulations therefor as will prevent and obviate such danger.

SECTION 2. That the twenty-first section of the act to which ^{21st section former act repealed.} this is a further supplement, except the proviso to said section, be and the same is hereby repealed.

SECTION 3. That the Sunbury and Erie Railroad Company so soon as ten consecutive miles or more of their said road is completed over any section of the line of said road, are hereby authorized ^{Sunbury & Erie Railroad Company may use cars and locomotives and take tolls when 10 miles are completed.} to run cars and locomotives and collect tolls on said road, and do all other acts and things as fully and effectually as if the whole road were completed.

JAMES COOPER,
Speaker of the House of Representatives.
CHARLES GIBBONS,
Speaker of the Senate.

Approved the fifteenth day of March, one thousand eight hundred and forty-seven.

F. R. SHUNK.

A FURTHER SUPPLEMENT

TO AN ACT ENTITLED "AN ACT TO INCORPORATE THE SUNBURY AND ERIE AND PITTSBURG AND SUSQUEHANNA RAILROAD COMPANIES." PASSED THE THIRD DAY OF APRIL, ONE THOUSAND EIGHT HUNDRED AND THIRTY-SEVEN.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,*

That it shall be competent to the corporate or constituted authorities of any municipal or other corporation in the Commonwealth to subscribe for shares in the capital stock of the Sunbury and Erie Railroad Company, and to borrow money to pay therefor, and to make provision for the payment of the principal and interest of the money so borrowed. The certificates of loan or bonds which may be issued by said corporations bearing an interest of six per cent. per annum, payable half yearly, may be received as cash by the Sunbury and Erie Railroad Company, in payment of any part or the whole amount of the shares subscribed by the corporations issuing said certificates or bonds, and any corporation holding shares of stock may be represented at elections and meetings of the said Company by agents duly authorized by and acting under resolutions passed by the constituted authorities thereof. *Provided,* that any corporation that shall be possessed of five thousand shares, or more, in the capital stock of said Company, shall, in lieu of voting at the general elections of said company, be entitled to elect, by the constituted authorities thereof, one manager for each and every five thousand shares held by said corporation. *Provided,* that no corporation shall elect more than three managers, and that a majority of the Board of Managers shall at all times be elected by the private stockholders; if at any time corporations shall be entitled, under this provision, to more than six managers, then the number of managers to which such corporations are entitled, shall be reduced in such manner as shall be determined upon by the managers in office. *Provided,* that no certificate of such loans shall be issued for a less sum than one hundred dollars.

Corporations may subscribe for stock.

Certificates of loans received as cash.

Corporations represented at elections.

Holding 5000 shares to elect a manager.

PROVISO.

No certificate of loan less than \$100.

SECTION 2. That the President and Managers of the Sunbury and Erie Railroad Company be and are hereby authorized to pay to the shareholders entitled to receive the same, in the months of

Company may pay interest on stock.

January and July, in each year, INTEREST AT THE RATE OF SIX PER CENTUM per annum on all instalments paid by them after the passage of this Act, and continue to pay the same till the road shall be completed, and the profits or earnings of the said Railroad, within the same time, shall be *credited* to the cost of construction, and all interest paid shall be *charged* to the cost of construction. *Provided*, that the interest shall not be paid upon any share of stock upon which any instalment which has been called for remains unpaid. *Provided further*, that the stock of ^{Stock not to be taxed} the said Company shall *not be subject to any tax* in consequence of the payment of the interest hereby authorized, nor until the *nett earnings of the Company shall realize at least six per centum per annum upon the capital invested*.

JOHN S. RHEY,
Speaker of the House of Representatives.

JOHN H. WALKER,
Speaker of the Senate.

Approved the tenth day of February, one thousand eight hundred and fifty-two.

WILLIAM BIGLER.

Pennsylvania, ss.

I hereby certify, that the foregoing and annexed is a true and correct copy of the original Act of the General Assembly, as the same remains on file in this office.

In testimony whereof, I have hereunto set my hand and caused the seal of the Secretary's office to be affixed at Harrisburg, this tenth day of February, A. D., one thousand eight hundred and fifty-two.

Signed,

E. W. HUGHES,
Secretary of the Commonwealth.

A FURTHER SUPPLEMENT

TO AN ACT ENTITLED "AN ACT TO INCORPORATE THE SUNBURY AND ERIE, AND PITTSBURG AND SUSQUEHANNA RAILROAD COMPANIES."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by authority of the same*

Annual meetings

Each share to have one vote.

Notices of meetings.

That the annual meetings of the stockholders shall be held on the second Monday in February instead of January, and each share of stock subscribed, and upon which one or more instalments shall have been paid, or which has been held by transfer for more than thirty days, shall entitle the holder thereof to one vote at any election for each and every share so held: *Provided*, That a viva voce vote of a majority of the stockholders present at a meeting shall decide all other questions, unless a vote by stock is demanded before the question is taken, and the demand sustained by one-third of the stockholders present or by any twenty thereof: *Provided*, also, That no share of stock shall confer a right of suffrage upon which any instalment remains due and unpaid. Hereafter all notices of annual and other meetings of stockholders, and of the times and places appointed for the payment of any portions or instalments of the capital stock, shall be published in at least three daily papers published in the city of Philadelphia and elsewhere, as the board shall direct, and such publication shall be sufficient notice to stockholders.

SECTION 2. That the words "and the assignee" and all thereafter in section sixth of the act to which this a supplement, properly belong to and are a part of the seventh section, and they are hereby transferred to the end of the said seventh section.

Repealing part of 11th section.

SECTION 3. That all after the words "or place of public worship," in the eleventh section of the said act, to and including the words "shall be defrayed by the said company," be and the same are hereby repealed.

Mode of ascertaining damages.

SECTION 4. That when the Sunbury and Erie Railroad Company cannot agree with the owner or owners of any lands or materials, for the compensation proper for the damage done or likely to be done to or sustained by any such owner or owners of such lands or materials, which said company may enter upon, use, or take away in pursuance of the authority given them by the act to which this is a supplement, or by reason of the absence or legal incapacity of any such owner or owners, no such compensation can be agreed upon; the Court of Common Pleas of the proper county, on application thereto by petition, either by said company or owner or owners, or any one in behalf of either, shall appoint five disinterested persons of the next adjoining county or counties, none of whom shall be residents of any of the counties through which said railroad shall pass, and fix a time not less than twenty or more than thirty days thereafter for said viewers to

Court shall appoint 5 viewers.

meet upon the premises where the damages are alleged to be sustained, of which time and place ten days notice shall be given by the party petitioning, to said viewers and to the other party, and the said viewers having been first sworn or affirmed, by some power competent to administer oaths, faithfully, justly, and impartially to decide, and true report to make concerning all the matters and things to be submitted to them, and in relation to which they are authorized to inquire in pursuance of the provisions of this act, and having viewed the premises, shall estimate and determine the quantity, quality, and value of said lands so taken or occupied, or to be taken and occupied, or the materials so used or taken away, or to be used or taken away, as the case may be, and having a due regard to and making just allowances for the advantages which may have resulted, or which may result to the owner or owners of said lands or materials, in consequence of the opening or making of said railroad, or the construction of works connected therewith; and after having made a fair and just comparison of said advantages, or disadvantages, they shall estimate and determine whether any, and if any, what amount of damages have been sustained, or may be sustained, and to whom payable, and make report thereof to the Court; if any damages be awarded, and the report be confirmed by said court, judgment shall be entered therein; and if the amount thereof be not paid, execution may issue thereon, as in other cases of debt, for the sum so awarded, and the cost and expenses incurred shall be defrayed by said railroad company.

Provided, That nothing herein contained, shall authorize the said company to enter upon any lands or take any property, without making compensation to the owners of said property, or giving adequate security therefor. *Provided further*, That the said viewers shall be entitled to receive as a compensation two dollars per day, while engaged in said business; that one or more of said viewers shall have power to adjourn from day to day, and that a majority of the said viewers, so appointed, shall have power to view and assess damages, and to report as fully and with like effect as though all were present. *And provided further*, That a penalty of ten dollars be imposed on any of the said viewers who shall neglect or refuse to attend, after appointment and due notice, at the time and place named, unless unavoidably prevented, said penalty to be recoverable before any justice of the peace, as debts of similar amount are recoverable, for the use of the person suing

To be sworn or affirmed.

Report damages.

Not to enter on land without compensation.

Viewers to receive \$2 per day.

May adjourn.

Majority may view and report

Penalty on viewers for non-attendance.

Company may tender damages. for the same. *Provided further,* That if the proper officer of said company, at any time before application made by either party for the appointment of viewers in the manner hereinbefore mentioned directed, shall tender to the owner or owners of said lands or materials, a sum of money, in full compensation for his or their said damages, said company shall not be liable for costs on any subsequent proceedings, unless such owner or owners of land or materials shall be awarded a larger sum than the previous tender of said company. *Provided,* That no damage shall be collected, unless a claim shall be made within six months from the date of the commencement of the work upon any such property.

Change of site of public road. SECTION 5. That if said railroad company shall find it necessary to change the site of any portion of any turnpike or public road, they shall cause the same to be reconstructed forthwith at their own proper expense, on the most favorable location and in as perfect a manner as the original road. *Provided,* that the damages incurred in changing the location of any road authorized by this section, shall be ascertained, and paid by said company, in the same manner as is provided for in regard to the location and construction of their own road.

Copy of service to be mailed to President. SECTION 6. That whenever a service of process in any suit or action against the company, is made upon any other officer of the company than the President, a copy of said service shall be forthwith mailed to the President, addressed to the office of the company.

If Legislature resume road, pay 8 per cent. on cost. SECTION 7. That in case the Legislature should at any time exercise the right of purchasing said railroad or of resuming the rights and privileges granted to the said company from any cause, the said company shall be paid a sum of money, which, with the tolls received, shall equal the cost and expenses of making and maintaining the said railroad, with an interest of eight per cent. per annum thereon.

Company may run cars, &c., over other roads. SECTION 8. That the said company may run their cars and locomotives over the said road and its branches, and over any other railroads which at any time may connect either directly or by means of other roads therewith, in such manner as may form complete railroad connections between the cities of Philadelphia and Erie, under such arrangements as may be mutually agreed upon, and which the said company, as general transporters of passengers and freight between said cities and intermediate places, may deem expedient for economy or the better accommodation of the public.

SECTION 9. That the said company shall have power to construct lateral and branch roads from the line of their road at Southward, or Eastward from Williamsport, to intersect any other railroads by means of which the said company may be enabled to form connections with the city of Philadelphia, by way of the valley of the Schuylkill, or as hereafter provided, by way of the valley of the Susquehanna: *Provided*, That on any road that may be made between Sunbury and Harrisburg, the same tax be and is hereby imposed, as is now or may hereafter be imposed by law on the Susquehanna railroad; and, *provided* further, That if the Susquehanna Railroad Company shall fail to put that portion of the line of their road under contract, between Bridgeport and Sunbury, within one year from the passage of this act, and complete the same within two years thereafter, then and in that case the Sunbury and Erie Railroad Company is hereby authorized to extend their road from Sunbury by the valley of the Susquehanna, to connect with the Pennsylvania Railroad at such point as may be deemed most expedient by the said company, on the same terms and conditions that they are now authorized to construct the main line of their road between Sunbury and Erie.

May construct lateral roads, to form connections with Philadelphia.

Proviso.

SECTION 10. That if the said company shall construct a railroad from Bridgeport or Harrisburg to Sunbury, under the provisions of this act, they shall make the towns of Dauphin, Halifax and Millersburg in Dauphin county, and Georgetown in Northumberland county, points on said road.

Points on road.

SECTION 11. That, inasmuch as the construction of this railroad will tend to develop the resources and increase the revenue of the Commonwealth, the property which the said president and managers hold or may acquire under the charter, for the benefit of the stockholders, shall be exempt from taxation for State purposes till the road is completed: *Provided*, That such exemption shall not extend to a period longer than five years from the passage of this supplement.

Property exempt from State taxes.

SECTION 12. That it shall be competent to the corporate authorities of the city of Erie, to convey to the said Sunbury and Erie Railroad Company, any of the water lots held by the said city, either as a donation or for a price which may be agreed upon, and nothing in any previous act or resolution concerning said lots shall be so construed as to prevent such a conveyance.

City of Erie may convey water lots

SECTION 13. That anything in the original act, or any of the

preceding supplements of the said act, to which this is a supplement, inconsistent with this act, be, and the same are hereby repealed.

JOHN S. RHEY,

Speaker of the House of Representatives.

JOHN H. WALKER,

Speaker of the Senate.

Approved the twenty-seventh day of March, A. D. one thousand eight hundred and fifty-two.

WM. BIGLER.

An Act to incorporate the Johnstown and Armagh Plank Road Company; to authorize the construction of a State road in the Counties of Bedford and Cambria; construing the first section of the Supplement to the Charter of the Sunbury and Erie Railroad Company.

SECTION 10. That the first section of the supplement to the Charter of the Sunbury and Erie Rail Road Company, approved February 10th, one thousand eight hundred and fifty-two, shall be so construed as to authorize a majority of the constituted or corporate authorities of any municipal corporation, except the districts of Spring Garden and Northern Liberties, in the county of Philadelphia, to subscribe to the stock of the said Company, and to issue bonds in payment therefor.

Approved the fourth day of May, Anno Domini one thousand eight hundred and fifty-two.